



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

The workmanship of the volume deserves special commendation. Printed on an excellent quality of thin paper, gilt-edged and bound in flexible black morocco, the "Code" is a most attractive pocket companion. R. T. S.

THE PEOPLE'S LAW, or POPULAR PARTICIPATION IN LAW-MAKING. A study in the Evolution of Democracy and Direct Legislation. By Charles S. Lobingier. New York: The Macmillan Company. 1909. pp. xxi, 429.

This is a timely work. It is the outgrowth of a careful scholar's investigation into the validity of some recent American state constitutions proclaimed without ratification by the people. The work bristles with citations, footnotes, transcripts from ancient documents, and might repel the reader unwilling to wander in what might strike him as merely another weary waste of academic discussion. But although purely judicial in tone, the book contains much of the greatest encouragement to the lover of American traditions, and leads to a strengthened faith in the doctrine of the sovereignty of the people. It shows from historical sources previously little explored the abiding character of the demand for government by consent. It implies irresistibly the necessity for direct popular participation in law-making if the blessings of permanence and tranquillity are to be secured. Professor Howard well says in the introduction that the evolution traced by Professor Lobingier "yields many a lesson of vital import to those seriously interested in the welfare of American society."

Though the academic interest attaching to this book would be quickly appreciated by any thoughtful reader, its striking timeliness is especially realized by those familiar with the rapidly strengthening but widely misunderstood movement for the initiative and referendum in our cities and states. Professor Lobingier's work supplies a historical setting and background for this movement of a most impressive character to which its friends and foes alike may be directed to their advantage.

The book derives its vital character not only from the vitality of the subject — the study of the source of authority in government — but from the painstaking fidelity with which the work has been done. The author keeps himself very much in the background and makes great masses of original documents and records speak for themselves. He calls attention to the fact that governments were originally "more or less popular, succeeded by a monarchical and then a delegate system which, in turn, are supplanted by one completely direct and popular." He then states that his principal theme is "to show in detail how this cycle, so far as completed, has been accomplished."

One can hardly see that a cycle has been accomplished or for the indefinite future is likely to be, unless the present large units of population, cities, states, and nations are to undergo dispersion and subdivision.

It can hardly be admitted that we are nearing the finish of a cycle. We need not accept so dispiriting a figure as that. Might it not better be said that we are completing a turn of a spiral of human development and are coming more universally than ever to an acceptance of the principles of the folk-moot of the early tribes as a foundation? Certainly we are accepting and utilizing them at a much higher level, thanks to the acquirement, among many other things, of universal education, improved means of communication, and the principle of representative government. For all of these permit the massing of humanity for the purposes of government in ever greater and greater units, which if accompanied with proper regard to local interests, must be regarded as in the line of substantial and permanent progress.

To the reviewer it does not, after all, seem so much a cycle which the author has traced as a rigorous and triumphant evolution of an imperishable and un-

quenchable human aspiration, the love of liberty and self-government, based largely, whether consciously or not, in the faith that the legitimate interests of the individual are not only perfectly compatible with the good of all, but will in the long run receive a degree of stable support, if the masses are actually in control of their own affairs, which cannot be otherwise attained.

The plan and arrangement of the book may be briefly outlined as follows. At the outset attention is called to the popular assembly or folk-moot as "one of the conspicuous features of the public life of early Aryan peoples." The author then rapidly traces the survivals of law-making by such assemblies through the centuries up to the time of the Reformation, when he shows the great impetus given the institution through the church covenants of that time. After having thus taken firm root in Great Britain, popular ratification of public law became a more or less clearly developed principle in all the American colonies, particularly in New England, where a pure democracy was realized and has been retained in the town meetings. This takes up the first third of the book. Considerably more space still is there devoted to a survey of popular constitution-making in the United States, and the remainder of the book, about a sixth of it, is given up to a very condensed account of popular participation in ordinary law-making both in the United States and elsewhere, including the Scandinavian countries, France, Italy, Latin America, and Australia. The experience of the last fifty years in Switzerland is practically ignored, for the somewhat astonishing reason that "it could not be adequately treated in less than a volume and no review of it will be attempted here." However this may be, one cannot help wishing something of it might have been included, or that Professor Lobingier may some time favor us with the special volume which it may be agreed it deserves.

There is a copious bibliography, but among the works on Switzerland one notes at once the omission of the works of Keller, Th. Curti, and Stüssi.

A reader wishing to get the gist of the work may well read the chapter (chap. xxvi) recapitulating the result of popular constitution-making in the United States. Objections often offered by theorists to such practices are there crushingly answered — and more yet might be added from some of the most recent American methods of acquainting voters with the merits of measures submitted to them. Few readers would, however, lay down the book on concluding this chapter. There is much to tempt and repay them, both in the chapters preceding this fine summary and in the subsequent chapters.

In conclusion it may simply be reasserted that this work is one of great value and encouragement to the lover of American traditions and ideals who wishes to see them advance to a more perfect fruition. It should be carefully read by any student of the modern tendency toward direct legislation.

L. J. J.

GENERAL THEORY OF LAW. By N. M. Korkunov. Translated by W. G. Hastings. Boston: The Boston Book Company. 1909. pp. xiv, 524.

The title is somewhat misleading. A large part of this book is given up to the history of conceptions of law, before the author evolves the theory satisfactory to him and proceeds with its application.

The student at the usual American law school, and of course the lawyer in practice, consider specific laws in their application to actual cases, and are not usually led to concern themselves very deeply with any preliminary philosophical "whys" and "wherefores." Sometimes, however, when student or lawyer has reduced some principle apparently to its lowest terms, he finds himself brought face to face with premises, assumed as axioms for the usual purposes of his discussion, which yet do not seem wholly satisfactory. In the first book of this work, under the heading "Conceptions of the Law," theories as to the